AF/2143

PTO/SB/21 (08-00)
Approved for use through 10/31/02. OMB 0651-0031
Patent and Trademark Office: U.S. DEPARTMENT OF COMMENRCE
Under the Paper Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays avalid OMB control number.

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

		Application Number	09/496,600
		Filing Date	February 2, 2000
		First Named Inventor	Hang Zhang
		Group Art Unit	2143
		Examiner Name	Alina A. Boutah
Total Number of Pages in This Submission	6	Attorney Docket No.	50325-0109

ENCLOSURES ***(check all that apply)***

☐ Fee Transmittal Form	☐ Assignment Papers *(for an Application)*	☐ After Allowance Communication to Group
☐ Fee Attached	☐ Drawing(s)	☐ Appeal Communication to Board of Appeals and Interferences
☐ Amendment / Response	☐ Licensing-related Papers	☒ Appeal Communication to Group *(Appeal Notice, Brief, Reply Brief, 5 pages)*
☐ After Final	☐ Petition	☐ Proprietary Information
☐ Affidavits/declaration(s)	☐ Petition To Convert To a Provisional Application	☐ Status Letter
☐ Extension of Time Request	☐ Power of Attorney, Revocation Change of Correspondence Address	☒ Other Enclosure(s) *(please identify below):* Return Receipt Postcard
☐ Express Abandonment Request	☐ Terminal Disclaimer	
☐ Information Disclosure Statement	☐ Request for Refund	
☐ Certified Copy of Priority Document(s)	☐ CD, number of CD(s)_____	
	Remarks	
☐ Response to Missing Parts/ Incomplete Application		
☐ Response to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm *or* Individual name	Hickman Palermo Truong & Becker LLP John D. Henkhaus, Reg. No. 42,656
Signature	John D. Henkhaus
Date	6/24/05

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class: mail in an envelope addressed to: Mail Stop Appeal Brief-Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this date:

Type or printed name	Darci Sakamoto		
Signature	Darci Sakamoto	Date	June 24, 2005

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Confirmation No. 6479

Hang Zhang et al. Group Art Unit No.: 2143

Serial No.: 09/496,600 Examiner: Alina A. Boutah

Filed: February 2, 2000

For: METHOD AND APPARATUS FOR BROWSING A MANAGEMENT INFORMATION BASE

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY BRIEF ON APPEAL

Sir:

Further to the Notice of Appeal filed November 29, 2004, and in reply to the Examiner's Answer mailed May 5, 2005, the Appellants hereby submit their reply brief on appeal pursuant to 37 C.F.R. §1.193(b)(1).

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Appeal Brief-Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

on: 6/24/05 by: Darci Sakamoto
Darci Sakamoto

50325-0109

REMARKS

I. Grouping of Claims: Claims 1-44 do not stand or fall together

The Examiner's Answer includes a Section entitled "Grouping of Claims." The substance of this section contends that "the rejection of Claims 1-44 stand or fall together because appellant's brief does not include a statement that this grouping of claims does not stand or fall together and reasons in support thereof." This is incorrect.

New Rule 37 CFR 41.37(c)(1) (effective date September 13, 2004) does not require an item under the heading "Grouping of Claims." Under the new rule, Appellants are no longer required to explicitly state that that groupings of claims stand or fall together. Rather, as stated in Rule 37 CFR 41.37(c)(1)(vii), "[w]hen multiple claims subject to the same ground of rejection are argued as a group by appellant, the Board may select a single claim from the group of claims that are argued together to decide the appeal with respect to the group of claims as to the ground of rejection on the basis of the selected claim alone....Claims argued as a group should be placed under a subheading identifying the claims by number." Therefore, multiple claims subject to the same ground of rejection and argued as a group by appellant are to be treated as a grouping of claims. In other words, the claims from each grouping of claims separately argued by appellant stand or fall together, without the need for a statement of the grouping of claims.

The Appeal Brief filed January 27, 2005 separately argues the following groups and, therefore, the claims within each group may stand or fall together:

(1) Claims 1-4, 7-10, 17-21, 28-40, 41, 43 and 44;

(2) Claims 5, 6, 21 and 22;

(3) Claims 11-16, 25-27 and 42; and

(4) Claims 23 and 24.

II. Appellants did not argue features that are not recited in the rejected claims

In the "Response to Argument" section (11) of the Answer, Examiner alleges that Appellants argued features that are not recited in rejected claims. Specifically, it is alleged that "directly querying a router" and "integration of an HTTP daemon into a packet router" are not recited in the claims. Appellants respectfully disagree.

In reference to Claim 1, for example, in stating that the cited references do not disclose, suggest or motivate "direct querying of a router MIB from a conventional browser" (e.g., page 8, first paragraph), Appellant is simply summarizing functionality of the claim that is clearly recited, albeit not in the same exact language as in the argument. It is surely understood by one skilled in the art, and probably by one not skilled in the art, that (a) receiving a connection of a Web browser to a router, and (b) receiving at the router a request message to obtain the current value of a MIB variable from the router to which the variable pertains is, functionally, directly querying a router.

To parse the claim language further,

(a) "receiving at the router" is direct communication, as opposed to receiving the communication via an intermediary server like the site server described in the Krishnamurthy reference and relied upon for the rejection;

(b) a "request message to obtain the current value of a MIB variable from the router..." is querying the router.

Thus, the *concept* of directly querying a router for a value of a MIB variable, from the same router to which the variable pertains, *is* recited in Claim 1, for example. Strict adherence to textual form should not overwhelm the semantic substance when interpreting claim language.

The statement in the Appeal Brief regarding "integration of an HTTP daemon into a network packet router" (e.g., page 9, last paragraph) is under the argument heading for Claims 1-4, 7-10, 17-21, 28-40, 41, 43 and 44. Granted, each one of these claims does not explicitly recite an HTTP daemon. However, Claim 36, 41, 43 and 44 of this grouping do explicitly recite an HTTP daemon in the network packet router[1].

III. Names of Conferees that participated in Appeal conference not noted

MPEP §1208 (under "Appeal Conference") states that "[a]n appeal conference is mandatory in all cases in which an acceptable brief (MPEP § 1206) has been filed" unless "the examiner ... reaches a conclusion that the appeal should not go forward and the supervisory patent examiner (SPE) approves, then no appeal conference is necessary" (MPEP § 1208, first paragraph). There is no indication in the Examiner's Answer that a conclusion was reached that the appeal should not go forward. Therefore, an appeal conference should have been held in this case.

However, there is no indication in the Examiner's Answer that a conference was held because there are no initialed "typed or printed names of the other two appeal conference participants," as required by MPEP § 1208, fourth paragraph. To make the record clear that an appeal conference has been held, Appellants request initialed typed or printed names of the other two appeal conference participants following the word "Conferees" in the Examiner's Answer. Furthermore, if an appeal conference has not been held, Appellants respectfully request that an appeal conference be held and so indicated in a Supplemental Examiner's Answer.

---

[1] Appellants offer to amend independent Claims 1, 17 and 31 to include recitation of an HTTP daemon, if the Examiner elects to reopen prosecution and clearly indicates that such an amendment would place those claims in condition for allowance.

IV. Conclusion

For the reasons indicated above and in the Appeal Brief filed January 27, 2005, all pending Claims 1-44 present subject matter that is patentable over the references of record, and are in condition for allowance[2]. Therefore, Applicants respectfully request reversal of the final rejections expressed in the Office Action and reiterated in the Examiner's Answer.

A petition for extension of time under 37 C.F.R. §1.136 to the extent necessary to make this paper timely filed is hereby made.

Throughout the pendency of this application the Commissioner is hereby authorized to charge any applicable fee, including extension of time fees, and to credit any overpayment to our Deposit Account No. 50-1302.

Respectfully submitted,

HICKMAN PALERMO TRUONG & BECKER LLP

Date: 6/24/05

John D. Henkhaus
Reg. No. 42,656

2055 Gateway Place, Suite 550
San Jose, California 95110-1089
Tel: (408) 414-1203
Fax: (408) 414-1076

[2] For the record, clerical errors have been recognized in independent Claims 1, 11, 17, 24 and 31, which apparently inadvertently carried over in all responses subsequent to the response filed March 5, 2004. Generally, clauses such as "in a managed network device in a network packet router" should read "in a network packet router" per the amendment of March 5, 2004. Appellants offer to correct these claims at the appropriate time prior to issuance of the application.